

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11	RICHARD A. CONNORS,	)	Civil No. 08cv1134-L(LSP)
12	Plaintiff,	)	
13	v.	)	<b>ORDER GRANTING ASC'S</b>
14	HOME LOAN CORP. dba EXPANDED	)	<b>REQUEST FOR CONTINUANCE OF</b>
15	MORTGAGE CREDIT, <i>et al.</i>	)	<b>PRELIMINARY INJUNCTION</b>
16	Defendants.	)	<b>DATE AND BRIEFING SCHEDULE</b>
		)	<b>[doc. #21] and TO SHOW CAUSE</b>
		)	<b>WHY SANCTIONS SHOULD NOT</b>
		)	<b>BE IMPOSED</b>

The Court granted plaintiff's application for a temporary restraining order on July 2, 2008 [doc. #7] at which time a hearing on a preliminary injunction was set for July 15, 2008. The initial preliminary injunction hearing was continued because there was an insufficient showing that the defendants had been served with the summons, amended complaint and motion for preliminary injunction. A subsequent hearing on plaintiff's motion for preliminary injunction was held on July 18, 2008 and again there remained issues concerning service of process on all defendants of all the documents filed by plaintiff. As a result, the Court extended the temporary restraining order entered on July 2, 2008 and ordered plaintiff to:

effectuate service of process on defendant ASC not later than Friday, July 25, 2008. Plaintiff shall also file a declaration setting forth the documents that have been served on each of the defendants and the manner of service used not later than Friday, July 25, 2008 . . . .

(Order filed July 18, 2008 [doc. #19].) To date, plaintiff has not filed a declaration as ordered.


1 Defendant America's Servicing Company timely filed a preliminary opposition to the  
2 motion for a preliminary injunction that seeks a two week continuance of the scheduled hearing  
3 on the preliminary injunction. Counsel indicates that he received a copy of the first amended  
4 complaint on July 24, 2008 but has been unable "to verify whether Plaintiff properly served ASC  
5 with the FAC or the date on which Plaintiff did so." (Preliminary opposition at 2.)

6 Good cause appearing, **IT IS HEREBY ORDERED:**

- 7 1. ASC's request for a continuance of the preliminary injunction hearing is  
8 **GRANTED.** The preliminary injunction hearing is continued to **Friday, August**  
9 **22, 2008 at 9:30 a.m. in Courtroom 14.** ASC and any other defendant that has  
10 been served with the summons and first amended complaint and intends to oppose  
11 the preliminary injunction shall file an opposition no later than August 20, 2008 at  
12 noon.
- 13 2. Plaintiff's counsel shall show good cause why she should not be sanctioned for her  
14 failure to comply with the Court's July 18, 2008 Order. Counsel shall file a  
15 statement of cause not later than August 8, 2008.

16 **IT IS SO ORDERED.**

17 DATED: August 4, 2008

18   
19 M. James Lorenz  
United States District Court Judge

20 COPY TO:

21 HON. LEO S. PAPAS  
22 UNITED STATES MAGISTRATE JUDGE

23 ALL PARTIES/COUNSEL  
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